

**In the Claims:**

The following is an amendment to the claims in ascending order showing a detailed listing of all claims that are or were, in the application, irrespective of whether the claim(s) remain under examination in the application.

Amend Claims 1-21 as follows:

**1. (Currently Amended)** A convertible spa enclosure for use over a hot tub, spa, and the like having a first side and an opposite second side, the convertible spa enclosure comprising:

a first mounting shaft projecting substantially upward along ~~a~~ the first side of the spa, the first mounting shaft having an outer circumferential surface;

a second mounting shaft projecting substantially upward along ~~an~~ the opposite second side of the ~~hot-tub~~ spa, the second mounting shaft having an outer circumferential surface;

an elongated first whip device having a base, an opposite distal end, and a circumferential face contacting the circumferential surface of the first mounting shaft;

an elongated second whip device having a base, an opposite distal end, and a circumferential face contacting the circumferential surface of the second mounting shaft;

a first fastener engaged between the distal end of the first whip device and the spa;

a second fastener engaged between the distal end of the second whip device and the spa; and

a canopy extended between the first and second whip devices.

**2. (Currently Amended)** The convertible spa enclosure set forth in claim 1 wherein the first and second whip devices are yieldably bent over the respective first and second sides of the spa and the respective first and second fasteners are under tension.

3. **(Currently Amended)** The convertible spa enclosure set forth in claim 1 wherein the first whip device is constructed and arranged to slide in a clockwise direction with respect to the first mounting shaft placing the canopy under tension.

4. **(Currently Amended)** The convertible spa enclosure set forth in claim 3 wherein the second whip device is constructed and arranged to slide in a counter clockwise direction with respect to the second mounting shaft placing the canopy under tension.

5. **(Currently Amended)** The convertible spa enclosure set forth in claim 1 comprising:

the first and second whip devices being yieldably bent over the respective first and second sides of the spa and the respective first and second fasteners are under tension;

the first whip device being constructed and arranged to slide in a clockwise direction with respect to the first mounting shaft; and

the second whip device being constructed and arranged to slide in a counter clockwise direction with respect to the second mounting shaft placing the canopy under tension.

6. **(Currently Amended)** The convertible spa enclosure set forth in claim 5 wherein the first and second fasteners are resiliently stretchable cords.

7. **(Currently Amended)** The convertible spa enclosure set forth in claim 1 comprising an elongated rigid cross member extended and engaged between the distal ends of the first and second whip devices.

8. **(Currently Amended)** The convertible spa enclosure set forth in claim 5 comprising:

the bases of the first and second whip devices being hollow tubes co-extending with the respective first and second shafts and carrying the circumferential faces;

an elongated flex rod of the first whip device having the opposite distal end and a base end removeably slipped axially into the hollow tube; and

an elongated flex rod of the second whip device having the opposite distal end and a base end removeably slipped axially into the hollow tube.

**9. (Currently Amended)** The convertible spa enclosure set forth in claim 8 wherein the circumferential faces of the hollow tubes of the first and second whip devices define an axially extending recess for seating of the respective first and second shafts.

**10. (Currently Amended)** The convertible spa enclosure set forth in claim 9 wherein the recesses of the hollow tubes of the first and second whip devices each have a radius of curvature which substantially equals a radius of the respective first and second shafts.

**11. (Currently Amended)** The convertible spa enclosure set forth in claim 9 comprising:

at least one tie wrap of the first whip device wrapped snugly about the tube and the first shaft; and

at least one tie wrap of the second whip device wrapped snugly about the tube and the second shaft.

**12. (Currently Amended)** The convertible spa enclosure set forth in claim 1 comprising:

a spa cover removal mechanism having the first and second shafts; and

wherein the first and second shafts extend substantially vertical when the spa cover is in a removed position.

**13. (Currently Amended)** The convertible spa enclosure set forth in claim 5 comprising:

a spa cover removal mechanism having the first and second shafts; and

wherein the first and second shafts extend substantially vertical when the spa cover is in a removed position.

14. (Currently Amended) The convertible spa enclosure set forth in claim 8 comprising friction inducing sleeves fitted radially between the base ends and the hollow tubes of the first and second whip devices.

15. (Currently Amended) The convertible spa enclosure set forth in claim 7 comprising a spacer bar extending vertically between the spa and the cross member.

16. (Currently Amended) A convertible awning for use over a hot tub, spa, and the like having a first side and an opposite second side, the convertible awning comprising:

a cover removeably disposed directly over the spa and extending between the first and second sides when the spa is not in use;

a spa cover removal mechanism having a first shaft located pivotally at ~~a~~ the first side of the spa and engaged to the cover, a second shaft located pivotally at ~~an~~ the opposite second side of the spa and engaged to the cover, an enclosed position wherein ~~a~~ the cover of the spa is placed directly over the spa, and a removed position wherein the cover is off of the spa and the first and second shafts project substantially vertically;

a first ~~removeable-flex~~ rod projecting upward from the first shaft and ~~resiliently~~ bent over the spa when the spa cover removal mechanism is in the removed position;

a second ~~removeable-flex~~ rod projecting upward from the second shaft and ~~resiliently~~ bent over the spa when the spa cover removal mechanism is in the removed position; and

a canopy spaced above the spa and engaged between the first and second ~~flex~~ rods when the spa cover removal mechanism is in the removed position.

17. (Currently Amended) The convertible ~~enclosure~~ awning set forth in claim 16 comprising:

a distal end of the first ~~flex~~ rod;

a distal end of the second ~~flex~~ rod; and  
a cross member spaced above the spa and engaged between the distal ends of the first and second ~~flex~~ rods.

18. (Currently Amended) ~~The~~ A convertible ~~enclosure set forth in claim 17~~ awning for use over a hot tub, spa, and the like having a first side and an opposite second side, the convertible awning comprising:

a spa cover removal mechanism having a first shaft located pivotally at the first side of the spa, a second shaft located pivotally at the opposite second side of the spa, an enclosed position wherein a cover of the spa is placed directly over the spa, and a removed position wherein the cover is off of the spa and the first and second shafts project substantially vertically;

a first removeable flex rod projecting upward from the first shaft and resiliently bent over the spa when the spa cover removal mechanism is in the removed position;

a second removeable flex rod projecting upward from the second shaft and resiliently bent over the spa when the spa cover removal mechanism is in the removed position;

a canopy spaced above the spa and engaged between the first and second flex rods

a distal end of the first flex rod;

a distal end of the second flex rod;

a cross member spaced above the spa and engaged between the distal ends of the first and second flex rods; and

a vertical spacer bar engaged between the spa and the cross member.

19. (Currently Amended) The convertible ~~enclosure~~ awning set forth in claim 18 comprising a tie wrap for fastening the spacer bar to the cross member.

20. (Currently Amended) The convertible ~~enclosure~~ awning set forth in claim 18 comprising panels draped downward from the canopy.

**21. (Currently Amended)** The convertible ~~enclosure~~ awning set forth in claim 18 comprising an angled brace engaged between the spacer bar and the cross member.